IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 12464 of 2004

Between:

Sykam Koteswar Rao S/o Raghavaiah
H.No.6/70, Chinnapuram(V) Bandar(M), krishna District

..... PETITIONER

AND

1 The District Collector, Krishna District at Machilipatnam
2 The Assistant Director of Fisheries, Krishna Dist. Machilipatnam

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or direction preferably writ of mandamus declaring the inaction of the 1st respondent in taking appropriate action with regard to irregularities occurred in granting compensation to the Cyclone affected persons preferably fishermen of Bandar Mandal despite representations dt. 21/06/2004 and 28/06/2004 as illegal, arbitrary, discriminatory and violative of principles of natural justice and consequently direct the 1st respondent to take appropriate action on the representations dt. 21/06/2004 and 28/06/2004 and grant necessary compensation to the Cyclone affected eligible fishermen of Chinnapuram, Poletithippa and Malakaya Lanka village of Bandar mandal, Krishna District.

Counsel for the Petitioner:MR.KOWTURU VINAYA KUMAR

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent No.2: GP FOR FISHERIES

The Court at the admission stage made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

One Sykam Koteswara Rao, a fisherman residing in Chinnapuram village, Bandar Mandal, Krishna District has filed this petition purported to be in public interest seeking direction to declare the inaction on the part of the first respondent in taking appropriate action with respect to irregularities alleged to have been occurred in granting compensation to cyclone affected fishermen of Bandar Mandal, Krishna District despite his representations dated 21st and 28th June, 2004 and has sought direction that necessary compensation be granted to the cyclone affected eligible fishermen of Chinnapuram, Poletithippa and Malakaya lanka villages of Bandar Mandal Krishna District.

Sri K.V.Rama Rao, Assistant Director of Fisheries, Machilipatnam, filed his affidavit in reply denying the material allegations made in the petition and stating that compensation has been disbursed to eligible persons and that the allegation of the petitioner that only fishermen who are members of fishermen society are eligible for cyclone relief is not correct. All fishermen irrespective of their membership in any society are eligible for grant of relief for the loss or damage caused. It is stated that the Assistant Director of Fisheries has taken absolute care in elimination of non-resident fishermen and in this process, relief to Sri Kola Someswara Rao and Sri Kokkiligadda Sambasiva Rao was not disbursed as they were not staying in the village. It is also stated that in order to prevent corruption and to ensure transparency, cheques have been issued in the name of the beneficial fishermen. No complaint was received from any genuine fisherman. It is stated that Fisheries Development Officer on duty has attested about 118 cheques as an additional test for identification. The receipt of the representation is not denied. It is stated that on receipt of the representation, the Assistant Director of Fisheries enquired into the allegations made therein and found the same to be baseless and gave due intimation to the petitioner on 22nd July, 2004.

What appears from the allegations made in the petition is that petitioner thinks that compensation is to be paid only to the fishermen who are members of fishermen society and not to all fishermen irrespective of the fact whether they are members of a society or not. Stand of the respondents is that all fishermen who suffered loss or damage in cyclone are eligible for grant of cyclone relief.

Having considered the submissions made at the Bar we are of the view that there is no material brought to our notice which would justify any enquiry to be made since we do not find any fault in the procedure adopted by the respondents in disbursing the amount of compensation to the affected fishermen. Petitioner seems to be agitating his self-interest and in such like petition, we cannot pass any orders.

Accordingly, we close the petition with the observation that in case any complaint is made or received by respondents as regards disbursement to ineligible persons, respondents will take appropriate steps in accordance with law and ensure that payments are not made to any ineligible persons.

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DEVINDER GUPTA, CJ

14-9-2004

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C.V.RAMULU, J

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To

1 The District Collector, Krishna District at Machilipatnam
2 The Assistant Director of Fisheries, Krishna Dist. Machilipatnam

3 2 CCs to the Govt. Pleader for Revenue, High Court Buildings,

Hyderabad, (OUT).

4 2 CCs to the Govt. Pleader for Fisheries, High Court Buildings,

Hyderabad, (OUT).

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